



House of Representatives

General Assembly

File No. 361

February Session, 2012

Substitute House Bill No. 5539

House of Representatives, April 11, 2012

The Committee on Planning and Development reported through REP. GENTILE of the 104th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING RECORDING FEES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 7-34a of the 2012 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2012*):

4 (a) Town clerks shall receive, for recording any document, ten
5 dollars for the first page and five dollars for each subsequent page or
6 fractional part thereof, a page being not more than eight and one-half
7 by fourteen inches. Town clerks shall receive, for recording the
8 information contained in a certificate of registration for the practice of
9 any of the healing arts, five dollars. Town clerks shall receive, for
10 recording documents conforming to, or substantially similar to, section
11 47-36c, which are clearly entitled "statutory form" in the heading of
12 such documents, as follows: For the first page of a warranty deed, a
13 quitclaim deed, a mortgage deed, or an assignment of mortgage, ten
14 dollars; for each additional page of such documents, five dollars. [; and

15 for each marginal notation of an assignment of mortgage, subsequent
16 to the first two assignments, one dollar.] Town clerks shall receive, for
17 recording any document with respect to which certain data must be
18 submitted by each town clerk to the Secretary of the Office of Policy
19 and Management in accordance with section 10-261b, two dollars in
20 addition to the regular recording fee. Any person who offers any
21 written document for recording in the office of any town clerk, which
22 document fails to have legibly typed, printed or stamped directly
23 beneath the signatures the names of the persons who executed such
24 document, the names of any witnesses thereto and the name of the
25 officer before whom the same was acknowledged, shall pay one dollar
26 in addition to the regular recording fee. Town clerks shall receive, for
27 recording any deed, except a mortgage deed, conveying title to real
28 estate, which deed does not contain the current mailing address of the
29 grantee, five dollars in addition to the regular recording fee. Town
30 clerks shall receive, for filing any document, five dollars; for receiving
31 and keeping a survey or map, legally filed in the town clerk's office,
32 five dollars; and for indexing such survey or map, in accordance with
33 section 7-32, five dollars, except with respect to indexing any such
34 survey or map pertaining to a subdivision of land as defined in section
35 8-18, in which event town clerks shall receive fifteen dollars for each
36 such indexing. Town clerks shall receive, for a copy, in any format, of
37 any document either recorded or filed in their offices, one dollar for
38 each page or fractional part thereof, as the case may be; for certifying
39 any copy of the same, two dollars; for making a copy of any survey or
40 map, the actual cost thereof; and for certifying such copy of a survey or
41 map, two dollars. Town clerks shall receive, for recording the
42 commission and oath of a notary public, ten dollars; and for certifying
43 under seal to the official character of a notary, two dollars.

44 Sec. 2. Section 7-29 of the general statutes is repealed and the
45 following is substituted in lieu thereof (*Effective October 1, 2012*):

46 (a) When any town clerk has recorded any instrument that the town
47 clerk knows to be a release, partial release or assignment of a mortgage
48 or lien recorded on the records of such town, the town clerk shall make

49 a notation on the first page where such mortgage or lien is recorded,
 50 stating the book and page where such release, partial release or
 51 assignment is recorded, except that a manual notation of such release,
 52 partial release or assignment shall not be required if such town clerk
 53 provides public access to an electronic indexing system that combines
 54 the grantor index and the grantee index of the town's land records.

55 (b) On and after October 1, 2012, a separate document shall be
 56 required for each property for which a release, partial release or
 57 assignment of mortgage or lien is recorded, except that if the
 58 instrument being released, partially released or assigned encumbers
 59 more than one property, a single document may be recorded.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	7-34a(a)
Sec. 2	October 1, 2012	7-29

Statement of Legislative Commissioners:

The new language in Sec. 2 was made part of Sec. 7-29 for codification purposes.

PD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 13 \$	FY 14 \$
All Municipalities	Revenue Gain	Potential Minimal	Potential Minimal

Explanation

The bill requires certain mortgage or lien filings to be filed separately. Municipalities would see an increase in revenue to the extent that multiple mortgage or lien filings would no longer be filed together and charged as one document.

The bill also allows municipalities to charge a fee for a copy of a document in any format. Currently, municipalities can charge \$1 per page for a photocopy. It is unknown how much revenue municipalities may generate for charging this fee to other formats such as CD-rom and microfilm.

The bill also eliminates municipalities from charging a fee for recording certain mortgage assignments. This will result in a revenue loss for municipalities.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5539*****AN ACT CONCERNING RECORDING FEES.*****SUMMARY:**

This bill requires anyone filing a mortgage or lien release, partial release, or assignment with a town clerk to be recorded on the land records to file a separate document for each property, unless the instrument being released, partially released, or assigned encumbers more than one property.

Current law authorizes town clerks to charge a \$1 fee per page for a copy of any document recorded or filed in their offices. The bill allows them to charge the fee for a copy in any format (e.g., CD-ROM or microfilm).

Finally, the bill eliminates the \$1 fee for recording a marginal notation of a mortgage assignment after the first two assignments.

EFFECTIVE DATE: October 1, 2012

BACKGROUND***Related Bill***

SB 407, favorably reported by the Planning and Development Committee, requires all mortgage assignments to be recorded in the land records and establishes a surcharge for assignments presented for recording more than 60 days after the assignment.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/23/2012)